

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

FERCEE MICHAEL ARRINGTON	*	
Petitioner,	*	
vs.	*	Criminal Case Number
	*	4:09-cr-32-CDL-MSH
UNITED STATES OF AMERICA,	*	28 U.S.C. § 2255
Respondent.	*	
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ORDER ON REPORT AND RECOMMENDATION

The Court adopts the Report and Recommendation filed by the United States Magistrate Judge on March 27, 2013, and makes it the Order of this Court. Petitioner is entitled to a new sentencing hearing. Accordingly, Petitioner's previously ordered sentence is vacated, the U.S. Probation Office is directed to prepare a new pre-sentence report, and Petitioner shall be re-sentenced at a hearing to be held on October 24, 2013, at 9:30 am. The Court further finds that a Certificate of Appealability is not appropriate in this case should Petitioner for some reason seek to appeal this order.

IT IS SO ORDERED, this 16<sup>th</sup> day of May, 2013.

s/Clay D. Land  
CLAY D. LAND  
UNITED STATES DISTRICT JUDGE

